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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/652,671	08/29/2003	Jason M. O'Krangley	NEO01 P-101	2531

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EXAMINER

SHRIVER II, JAMES A

ART UNIT	PAPER NUMBER
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3618

DATE MAILED: 12/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/652,671

Applicant(s)

O'KRANGLEY ET AL.

Examiner

J. Allen Shriver

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 14-19 and 24-27 is/are rejected.
- 7) ☒ Claim(s) 11-13 and 20-23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/23/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the drawings submitted are informal. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Objections

2. Claims 1 and 17 are objected to because of the following informalities: The phrases "each of said first pair of legs comprising a forward leg" in lines 5-6 and "each of said second pair of legs comprising a rearward leg" in lines 7-8 are unclear. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.
4. Claims 14-16 and 24-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter

which applicant regards as the invention. Claim 14 recites the limitation "said adjustment actuators" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 24 recites the limitation "said adjustment actuators" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. **Claims 17 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Du-Bois (US Patent 5,509,159).** Du-Bois discloses an undercarriage (10) for transporting a stretcher; said undercarriage comprising a support base (11) adapted for supporting a stretcher, said support base having an open compartment and defining an upper plane bounded by an upper surface of said support base and a lower plane bounded by a lower surface of said support base and a frame (13); a first pair of legs pivotally mounted to opposed sides of said frame, each of said first pair of legs (23) comprising a forward leg; a second pair of legs (31) pivotally and slidably mounted to said frame and being extendable into said frame, each of said pair of legs comprising a rearward leg, said first pair of legs being independently pivotal about said frame from said second pair of legs (See Fig. 1); a journaled member (25,26,33,34) provided at the distal ends of each leg; and a control system (12) adapted to selectively pivot said first pair of legs to a stowed position and to selectively pivot said second pair of legs to a stowed position in

said frame (See Fig. 4); [claim 27] wherein said support base includes a plurality of journaled members (55,57), said journaled members of said support base enabling a person to translate said undercarriage across a support surface when said first pair of legs are pivoted to their stowed position (See Figs. 1 and 4).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 1-10 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Du-Bois (US Patent 5,509,159) in view of Way et al. (US Patent 5,537,700).** Du-Bois discloses the undercarriage as set forth above, but does not said control system further adapted to selectively lengthen or shorten said legs to adjust the height of said support base. Way et al. discloses a control system adapted to selectively lengthen or shorten said legs to adjust the height of said support base (See column 6, line 34+). At the time of the invention, it would have been obvious to a person of ordinary skill in this art to provide telescoping legs for the undercarriage disclosed in Du-Bois in view of the teaching of Way et al. The motivation for doing so would have been to allow each of the legs to be selectively raised or lowered to a specific height.

Regarding claims 2 and 3, Du-Bois discloses wherein said stowed position of said first pair and said second pair of legs is between said upper and lower planes (See Fig. 4, where a portion of the of the pair of legs is between the planes when in the stowed position).

Regarding claim 4, Du-Bois discloses wherein said second pair of legs at least partially extend into said open compartment when moved to their stowed position (See Fig. 4).

Regarding claim 5, Du-Bois discloses wherein said support base includes a plurality of journaled members (55,57), said journaled members of said support base enabling a person to translate said undercarriage across a support surface when said first pair of legs are pivoted to their stowed position (See Figs. 1 and 4).

Regarding claim 6, Du-Bois discloses wherein a group of said journaled members are located at a forward end of said support base to form forward journaled members (See Fig. 3).

Regarding claim 7, Du-Bois discloses wherein a group of journaled members of said support base are located forward of said rearward legs and rearward of said forward legs to form intermediate journaled members wherein said intermediate journaled members provide support for said undercarriage when said forward legs are pivoted to their stowed position to thereby ease handling of said undercarriage (See Fig. 10).

Regarding claims 8 and 9, Du-Bois discloses wherein said undercarriage has a center of gravity, said intermediate journaled members located at or near said center of gravity; and said intermediate journaled members are located rearward of said center of gravity.

Regarding claims 10 and 19, Du-Bois discloses wherein said control system includes a plurality of actuators (12), said actuators pivoting the legs. Additionally, the combination of Way et al. with Du-Bois would produce a device where the actuators would also adjust the length of the legs.

Allowable Subject Matter

9. Claims 11-16 and 20-26 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

10. The prior art made of record in the accompanying PTO Form 892 and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Allen Shriver whose telephone number is (703) 308-1224. The examiner can normally be reached on Mon-Thurs 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris P. Ellis can be reached on (703) 305-0168. Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 308-1113.

As of May 1, 2003, any response to this action should be mailed to:

Mail Stop _____
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to: (703) 305-3597 or (703) 305-7687 (for formal communications intended for entry. (703) 746-3852 (for informal communications directly to the Examiner).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

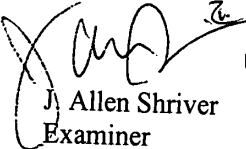
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may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Friday, December 17, 2004

 12/17/04
J. Allen Shriver
Examiner
Art Unit 3618

JAS